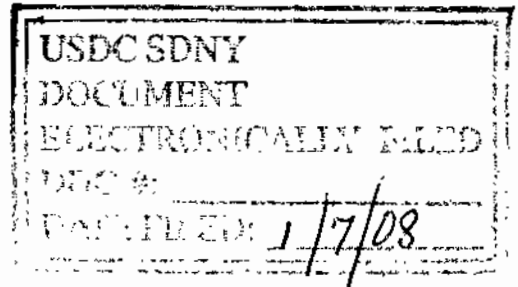


DEC 27 2007



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MEMO ENDORSED

December 27, 2007

BY FACSIMILE

Honorable Douglas F. Eaton
United States Magistrate Judge
Southern District of New York
500 Pearl St., Room 1360
New York, New York 10007
Fax: 212-805-6181

12/28/07 - I hereby extend the time for all defendants to answer or otherwise respond to the complaint to February 25, 2008. I direct defense counsel to mail a copy of this handwritten order to Mr. Watkins, because I have no staff until 1/2/08.
Douglas F. Eaton

Re: Donnell Watkins v. E.S.U. C.O. Fitje #15729, E.S.U. C.O./Capt. Mitton #75, 07 CV 7707 (JSR) (DFE)¹

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant Captain Mitton's time to answer or otherwise respond to the amended complaint in this action be enlarged sixty (60) days from December 27, 2007 to and including February 25, 2008.² *Pro se* plaintiff, Donnell Watkins, is currently incarcerated and therefore, I am unable to reach him in order to obtain his

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

² A check of the docket sheet indicates that affidavits of service of the summons and complaint have not been filed with respect to the individuals identified in the caption of the complaint as "C.O. Fitje" nor has this individual requested representation from this office. Without making any representations on behalf of the aforementioned individual, it is respectfully requested that, in the event he was served, his time to respond to the complaint similarly be enlarged so that his defenses are not jeopardized while representational issues are being decided.

consent. However, I have no reason to believe that he would object to this request for an initial enlargement of time.

As background, the amended complaint alleges, *inter alia*, that on April 16, 2007, while incarcerated at Rikers Island, Captain Mitton and Correction Officer Fitje employed excessive force in violation of plaintiff's federal civil rights. As a threshold matter, an enlargement of time will allow this office to obtain the underlying documentation regarding the alleged incident from the facility and forward to plaintiff for execution an authorization for the release of his medical records. Without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that this office can obtain the underlying documentation, properly investigate the allegations of the amended complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant Captain Mitton respectfully requests that his time to answer or otherwise respond to the complaint be enlarged to sixty (60) days from December 27, 2007 to and including February 25, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sabrina Tann', with a stylized, flowing script.

Sabrina Tann (ST 2552)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Donnell Watkins (#07-A-4896)
Pro Se Plaintiff
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(By First Class Mail)